

IN THE SENATE

SENATE BILL NO. 1093

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO A REQUIREMENT AS TO FENDER OR COVERS OVER ALL WHEELS ON MOTOR VEHICLES; AMENDING SECTION 49-949, IDAHO CODE, TO PROVIDE THAT ENFORCEMENT BY LAW ENFORCEMENT OFFICERS MAY BE ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN THE OPERATOR OF THE MOTOR VEHICLE HAS BEEN DETAINED FOR A SUSPECTED VIOLATION OF ANOTHER LAW, TO PROVIDE FINES AND TO PROVIDE THE EFFECT OF CONVICTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-949, Idaho Code, be, and the same is hereby amended to read as follows:

49-949. REQUIREMENT AS TO FENDER OR COVERS OVER ALL WHEELS ON MOTOR VEHICLES. (1) It shall be unlawful for any person to operate or move or any owner to permit to be operated or moved, any motor vehicle, truck, bus, semitrailer or trailer, upon any highway without having the vehicle equipped with fenders or covers which may include flaps or splash aprons, over and to the rear of wheels, as follows:

(a) On the rear wheels of every truck equipped with a body, bus, trailer or semitrailer the fenders or covers shall extend in full width from a point above and forward of the center of the tires over and to the rear of the wheels to a point that is not more than ten (10) inches above the surface of the highway when the vehicle is empty;

(b) Behind the rear wheels of every truck not equipped with a body the fenders or covers shall extend downward in full width from a point not lower than halfway between the center of the wheels and the top of the tires on the wheels to a point that is not more than ten (10) inches above the surface of the highway when the vehicle is empty;

(c) Behind all wheels of every motor vehicle other than trucks, buses, semitrailers, or trailers, the fenders or covers shall extend in full width from a point above and forward of the center of the tire over and to the rear of the wheel to a point that is not more than twenty (20) inches above the surface of the highway, unless the bumper is a factory built bumper fastened directly to the frame of the vehicle pursuant to factory installation requirements;

(d) Fenders or covers are not required on any modified American-made pre-1935 vehicle, or any identifiable vintage or replica thereof that is titled as a later assembled vehicle or replica and is used for show and pleasure use when such vehicle is used and driven only during fair weather on well-maintained hard-surfaced roads.

(2) Fenders or covers, as used in subsection (1) of this section, shall be deemed to be of sufficient size and construction as to comply with those requirements if constructed as follows:

1 (a) When measured on the cross sections of the tread of the wheel or on
2 the combined cross sections of the treads of multiple wheels, the fender
3 or cover extends at least to each side of the width of the tire or of the
4 combined width of the multiple tires, as the case may be;

5 (b) The fender or cover is constructed as to be capable at all times of
6 arresting and deflecting dirt, mud, water, or other substance as may be
7 picked up and carried by wheels;

8 (c) For school buses if the body extension behind the rear wheels ex-
9 ceeds five (5) feet.

10 (3) Enforcement of this section by law enforcement officers may be ac-
11 complished only as a secondary action when the operator of the motor vehicle
12 has been detained for a suspected violation of another law. A person issued
13 a citation pursuant to this subsection shall be subject to a fine of ten dol-
14 lars (\$10.00). A conviction under this subsection shall not result in viola-
15 tion point counts as prescribed in section 49-326, Idaho Code, nor shall such
16 a conviction be deemed to be a moving traffic violation for the purpose of es-
17 tablishing rates of motor vehicle insurance charged by a casualty insurer.